

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.111
Application Number 10/082,327

REMARKS

Claims 1-36 are all the claims pending in the application.

Claims 1, 2, 17 - 30 and 33-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dias et al. (Dias) in view of Isobe et al. (Isobe). Applicant respectfully traverses the rejection for at least the following reasons.

Claim 1, for example, is directed to a method for predicting the time required to execute a database command. The claim recites “measuring a plurality of execution times to complete the database command; recording the measured execution times thereby creating a time historical record; and using the time historical record to estimate the time required to execute the database command.”

Dias is relied upon for allegedly measuring a plurality of execution times to complete a database command. The Office Action refers to col. 3, lines 26-27 of Dias as support for this contention. However, it is respectfully submitted that Dias neither teaches nor suggests measuring a plurality of time estimates. Rather, Dias merely discloses at col. 3, lines 26-27 estimating the time it would take a single processor to perform certain subtasks relating to a join operation (“The time it will take a single processor to perform each of the subtasks is estimated, and the partitions are further divided as necessary to balance sort operation among the several processors.”). It is respectfully submitted that Dias’ disclosure of estimating the time it would take a single processor perform various subtasks does not teach or suggest measuring a plurality of execution times to complete a database command, as required by claim 1.

In the Office Action it is acknowledged that Dias does not explicitly teach recording measured execution times, to thereby create a time historical record, and using the time historical

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record to estimate the time required to execute the database commands. Isobe (Fig. 15A and col. 20, lines 59-62) is relied on to satisfy the deficiencies of Dias. However, it is respectfully submitted that Isobe, like Dias, does not teach or suggest measuring a plurality of execution times. Rather, Isobe at col. 20, lines 59-62 merely discloses that "The database shown in Fig. 16 indicates the number of occurrence [sic] of a command in every predetermined time interval according to time and day shown in Fig. 15B and is created for every predetermined time interval." As shown in Figs. 15A and 15B, Isobe merely indicates the time and day that a command is executed and indicates nothing about measuring execution times. It is respectfully submitted that Isobe neither teaches nor suggests measuring an execution time, much less measuring a plurality of execution times. Accordingly, it is respectfully submitted that Dias and Isobe, alone or in combination as asserted in the Office Action, do not teach or suggest all the limitations of claim 1. Hence, claim 1 is not rendered unpatentable by the asserted Dias/Isobe combination.

It is respectfully submitted that independent claims 28, 33 and 35, are not rendered unpatentable by the asserted Dias/Isobe combination for at least the same reasons.

Claims 3-9 and 12-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dias and Isobe in view of the "Sharing" reference cited in numbered paragraph 5 of the Office Action. It is respectfully submitted that the Sharing reference, which relates to a progress indicator to monitor the progress of particular tasks, does not satisfy the deficiencies of Dias and Isobe. Accordingly, it is respectfully submitted that the Dias/Isobe/Sharing combination asserted in the Office Action does not render the claims unpatentable.

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Claim 32 is rejected under 35 U.S.C. §103(a) as being unpatentable over Dias, Isobe, and Sharing in view of Lam et al. (Lam). Applicant respectfully traverses this rejection since claim 32 contains all the limitations of claim 28 and is patentable for at least the same reasons. Further, it is respectfully submitted that Lam does not satisfy the deficiencies of Dias and Isobe, as discussed above. Accordingly, it is respectfully submitted that claim 32 is patentable for at least the same reasons as discussed above.

The remaining claims depend from one of the independent claims, and hence, are patentable for at least the same reasons discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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